

Eckstein's assertion that I told him that Mr. Ickes instructed me to issue a decision in this matter without delay. I never discussed the matter with Mr. Ickes; he never gave me any instructions as to what this Department's decision should be, nor when it should be made.

To the best of my recollection I have never been contacted by 'top-level White House staff' on any Interior Department decision directly affecting Indian tribes nor, to the best of my recollection, have I ever been contacted by any official from the Democratic National Committee trying to influence the Department's decisionmaking process on such decisions.

Like you, I believe that this Department should make decisions like this one wholly on the merits, without any regard to campaign contributions or other partisan political considerations. We did just that in this matter.

Leshy edited the final draft of the Babbitt letter. One of his drafts, virtually identical to the final product and containing the language quoted above, was ready for review as early as Aug. 22.<sup>614</sup> Sibbison stated she authored the first draft, at the request of Shields and Leshy. She wrote a bullet-pointed document which replied point-by-point to McCain's allegations and questions, usually parroting back language of the question in the answer. Sibbison stated she thought this draft contained the essence of each of the three resulting documents. Sibbison also stated that the later draft of the document labeled as her memo to Babbitt was essentially a part of her first draft as reworked by Leshy into memo format.

Sibbison reported that, as part of her document, she drafted the initial version of the language in Babbitt's cover letter concerning the meeting between Babbitt and Eckstein. She

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<sup>614</sup>On Aug. 23, the draft was faxed by Associate Solicitor Robert Anderson to the White House to the attention of Elena Kagan. Anderson recalls briefing Kagan on IGRA and the process for making land in trust determinations. He believes Leshy told him to contact her because McCain had sent similar letters to Ickes and the President and responses were being prepared. He said no changes were requested or made to the Secretary's draft letter. Anderson is not sure whether DOI received draft responses from the White House, but he did not discuss with anyone at the White House the facts concerning White House contacts with DOI or their possible responses. Kagan acknowledges talking to Anderson but recalls none of the specific details.